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## Senate

The Senate met at 9 a.m. and was called to order by the Honorable ZELL MILLER, a Senator from the State of Georgia.

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

O God, our refuge and strength, a very present help in trouble, we will not fear! In the midst of these perilous times, we hear Your voice saying, "Be still and know that I am God, I will be exalted among the Nations, I will be exalted in the earth." In response we affirm, "The Lord of hosts is with us; You are our help and hope."

Almighty God, as You have intervened to help our Nation in just wars against despots and dictators of history, we ask for Your continuing intervention in the battle against terrorism. Guide the Senators as they further debate the resolution to authorize the use of United States Armed Forces against Iraq. Thank You for the integrity and intentionality the Senators have shown in the debate of this crucial issue. Guide their thinking, bind them together in unity and inspire their vision. You are our Lord and Saviour. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable ZELL MILLER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 8, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ZELL MILLER, a Senator from the State of Georgia, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. MILLER thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the minority and majority have full half hours in morning business, so we will not be on the bill until about 5 after 10.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### SCHEDULE

Mr. REID. Mr. President, you will be announcing morning business for an hour. After that, we are going to the resolution. It is open to amendment. We have had five Senators contact our cloakroom—and I will check to see if there have been some who have contacted the Republican cloakroom—wishing specific times to speak. We are going to do our best to accommodate the times. I know committee hearings are taking place, and it is difficult for people to come over this morning. This debate is not going to go on forever, and Senators are going to have to speak when it may not be as convenient for them as some other time. If they wait until after Thursday, there may be no time to speak on this resolution.

I ask Senators to try to find time in their schedules and, as I indicated last night, we will try to work with both staffs to come up with specific times so people are not waiting around. This debate should be in full sway at 10 o'clock. I hope if anyone has amendments to offer, they will do it also at that time or shortly thereafter.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the first half of the time shall be under the control of the Republican leader or his designee.

The Chair recognizes the Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself the requisite amount of time to speak in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### FBI REFORM

Mr. GRASSLEY. Mr. President, I have addressed the Senate many times on my oversight efforts of the FBI. As my colleagues know, I have been trying to improve the FBI for years. Sometimes that means investigating problems that some people would otherwise rather cover up. But there is nothing like sunshine that fixes what is wrong, particularly in Government.

I do this not because I am against the FBI but because I think the FBI is

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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meant to work well and work right so our country is protected. In fact, since September 11, the FBI is on the front line on the domestic war on terrorism. Obviously, the FBI must change to meet that demand. If it does not, we lose the domestic war on terrorism when the people on the front line are not ready to do what needs to be done.

In February, I was addressing the Senate about the FBI reform bill introduced by Chairman LEAHY and myself to help bring more security and accountability to the FBI. I want to highlight that bill.

The bill strengthens the FBI uniformed police, creates an effective polygraph program to detect moles, and establishes an attractive career path for internal security officers. This is important. It has not been that long since probably the worst spy case in FBI history, Robert Hanssen, was uncovered.

For accountability, it ends the double standard in discipline that allows top bureaucrats to escape punishment. This bill gives real whistleblower protections to FBI agents so others, such as Coleen Rowley of Minneapolis, can come forward with the truth, as Director Mueller complimented her as a whistleblower for bringing valuable information to the surface.

I happen to think the Attorney General and the FBI Director are working hard to reform and improve the FBI, but the Leahy-Grassley bill will help ensure that reform really happens. In fact, the Justice Department has even asked us for several provisions that we agreed to put in the bill.

The Judiciary Committee approved this bill unanimously back in April. Since then, this bill has been in limbo. There is now a hold on this bill—one of these secret holds. I do not do secret holds. When I put a hold on a nominee or a bill, I always put a statement in the CONGRESSIONAL RECORD so Senators know it is CHUCK GRASSLEY and why CHUCK GRASSLEY is putting a hold on a bill. It seems we need to put a stop to the backroom squabbles that have brought this hold about and put national security first and help reform the FBI.

A few parts of the bill were luckily included in the Department of Justice reauthorization bill last week. I appreciate that the inspector general's authority to investigate the FBI is now codified, and I am sure the FBI appreciated the help we gave them by including provisions for the uniformed police force.

That is all nice, but the heart of the FBI reform bill was left out, and that heart is more whistleblower protections and ending the double standard in discipline.

I have outlined why this bill is important. Now I think an example I have will help people understand why we need to enact this bill very shortly.

Quite recently, my staff was shown a Tiffany crystal paperweight globe. This globe sells for \$100 to \$200 but has been

valued by experts at more than \$5,000. This globe was wrapped in an evidence bag.

What does this have to do with the FBI?

Well, the answer is this globe was stolen from Ground Zero New York City, as you know. I don't think I have to explain how disgraceful that act is.

It is not only illegally taking evidence from a crime scene, but it is stealing from hallowed ground where thousands of people died on September 11. There have already been numbers of prosecutions for removing items from Ground Zero. There is not question then that this act was wrong.

But in this case, I am told that the globe was taken by one or more FBI agents. That is right. I am sorry to say it was taken by FBI agents.

Agents from the Minneapolis Division apparently took it back with them after being on official business at Ground Zero. When they returned, I guess they gave it to a secretary in the office, as if it was some memento from the trip.

This is how I know that: because an FBI agent decided to blow the whistle after her superiors would not do anything about the theft.

The FBI and the Federal Emergency Management Administration Inspectors General have been investigating a Minnesota company for stealing items from Ground Zero and other matters.

Coincidentally, Agent Jane Turner of the Minneapolis office discovered that other FBI agents did the very same thing.

In fact, it was one or more agents from the Evidence Response Team that took the globe. The ERT is supposed to secure and collect evidence at a crime scene. Their job is to preserve the integrity of a crime scene, not take from it and disrupt it.

When Agent Turner told her supervisor about this, he said he already knew about it. It evidently was not that big a deal because he did not do anything about it.

Well, I do think it is a big deal. I think it is outrageous. And I suspect that the loved ones of the 9/11 victims would think this is an outrage.

In New York, the fact is people are working overtime to try and return items like this to the families that once owned them. Maybe some people who work at these scenes think that taking something is OK, like it is a trophy for their hard work, but I do not think so. Most important, it is against the law.

This makes me wonder what else these agents stole, if they were generous enough to give a pricey crystal globe to a secretary.

This is the kind of behavior from a law enforcement agency that could backfire and hurt the case against criminals.

For example, if a company were to do the same thing, steal something from Ground Zero, they might argue in court that the FBI did it, so it must be

OK and why can't they get away with it? So taking this from Ground Zero was not only wrong, but it could really hurt prosecutions.

Because Agent Turner could not get an investigation into this matter by the FBI, she had to bring this to my staff and Chairman LEAHY's staff. Because of the severity of the situation, it was decided that she report the situation to the Justice Department Inspector General for a criminal investigation.

Fortunately, Agent Turner was able to recover the globe from the Minnesota office and bring it to the Inspectors General in a sealed evidence bag. The bag was sealed and signed both by Agent Turner and an agent from the FEMA Inspector General office, which is also working the case.

I have also learned of other problems with the FBI Minneapolis office. Apparently, a former FBI agent from that office is using his influence and access to undermine an FBI investigation. This former agent is now a consultant to the subject of an investigation. So he is working against the FBI on a case, but at the same time trying to influence and get information from the FBI with such perks as sideline-access Vikings tickets.

This appears to be a violation of Government ethics rules, a big security problem and conflict of interest. I hope the FBI looks into this problem as well.

What does this have to do with the FBI reform bill? Agent Turner's disclosures to the committee are not protected. The FBI knows they could retaliate.

It is the same thing that happened with Agent Coleen Rowley from Minneapolis. She was involved with the Moussaoui case, and she was not retaliated against because of media attention and Director Mueller's promise.

But that is not going to happen every time. FBI agents cannot always take the risk that comes with blowing the whistle. There has to be protection in the law, and that's what the FBI reform bill does. In the Turner case, Chairman LEAHY and I wrote to the Director asking for his assurance that Agent Turner not get hit with retaliation, but we have not gotten an answer back yet.

This bill also will put an end to the double standard in discipline, where senior officials get away with misconduct and coverups, while rank-and-file agents get punished for the same thing. This hurts the morale of the FBI.

And how do we know about these discipline problems? We know about them because of whistleblowers, patriotic American citizens wanting the law to be abided by.

Agents John Roberts, Frank Perry, Patrick Kiernan, and former agent John Werner all testified about this discipline scandal last summer. This bill is only the first step to fix it, but the bill has not gone anywhere. These

agents stuck their necks out to explain what is wrong with the FBI to Congress and the public. So far the Senate has ignored them, and their careers continue to be at risk.

I know all this might be embarrassing for the FBI, but stealing is wrong, especially from Ground Zero, and there has to be consequences. Heads have to roll. I think the FBI agents in the field around the country do a great job. I have found that the big FBI mistakes over the years usually come from headquarters, not from the grassroots.

In this case, it looks as if there are a few bad apples who did something wrong. And no one wanted to deal with it, so Agent Turner was obligated to blow the whistle. It was her sworn duty as a Federal law enforcement officer.

If we do not have the FBI reform bill, we will not have whistleblowers like Jane Turner and Coleen Rowley who expose these hidden problems that need to be fixed.

Without the bill, agents in the field will still think senior bureaucrats are held to a different standard, so morale suffers.

Without the bill, FBI internal security will not be the best it can be. That means the FBI will be more vulnerable and less effective, and that hurts national security.

This is not about politics. It is about improving the FBI and national security, and about making sure truth, fairness and justice prevail.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### IRAQ

Mr. THOMAS. Mr. President, this morning I will make a few comments with regard to the issue that is generally before us and before the country, and that is, of course, where we go with regard to Iraq and Saddam Hussein.

The President did a great job last night. He made very appropriate comments at a very appropriate time. He has discussed in detail the threats we see in Iraq, the threats we see in terrorism, and he has talked about his solution.

There have been questions raised, and properly so, and the President last evening sought to answer those questions, as indeed I think he should.

Why do we need to contain this dictator? I think surely most people understand that. Why do we need to do it now? I suppose that may be one of the most difficult questions for some. Why

are we waiting to have allies in the U.N.? Certainly most agree that is something we want. The President covered that very thoroughly, and indicated that is his goal.

Our loss of 3,000 innocent Americans on September 11 makes us aware of why we need to make some changes; that activity in the world has changed. A number of years ago the threats were of landing on barges, flying huge formations of airplanes, with divisions of armed men and women. Now it is not entirely safe, as we found out September 11. We suffer huge damages from one incident. That is difficult to control. Clearly we have a problem.

We must complete our discussion, move forward and make decisions. It is an issue important to everyone, as a Nation, and important to the world. We will be voting on a resolution soon. I suppose there will be amendments to the resolution. The House may or may not come up with the same resolution. Nevertheless, that is the role of the Senate. I hope we deal with it as quickly as we can.

It grants the authority of the President to do what he feels has to be done to deal with this issue. Today we understand the clear and present threat of terrorism being different than in the past. September 11 changed that. We see evidence of these threats around the world.

Our personal safety has changed, as well as our national security. We recognize that. I understand there is reason to debate this issue. People have different views. We need to discuss the commitment of the military in this world. The question of acting unilaterally is a difficult question. That is one alternative.

We need to offer leadership in the world to reduce the risk that exists. The administration has done an excellent job of getting the support of our allies. Not all have signed up. Not all have stood up and raised their hands. Many support what we do now, as in Afghanistan.

Obviously, people have different views. Some are politicized. Some are different, legitimate views. We have to identify what our role should be as a leader in the world. More importantly, we need to protect this country's freedom and protect the freedom of all citizens.

In England, Prime Minister Blair has stepped up. I am sure others will, as well. We need to continue to discuss it. Much of the discussion has already taken place and the decision is ready to be made. Is this a sufficient threat to cause us to commit ourselves? I think so. Should we work through the U.N. with our allies? Of course. That is what the President suggested last night. I heard a fellow Senator this morning saying we should not do anything until the U.N. authorizes it. I hope the U.N. does, and I hope the U.N. is there. They should be. On the other hand, I don't think we ought to be controlled by the U.N. If we find this has

to be something we do, we must go ahead.

Our role is to disarm Saddam. Inspectors are an excellent way to do that. But we have to review policy to see they are unrestricted. However, getting inspectors in is not the goal. Disarmament is the goal. Inspectors may be a way to do that. We hope they are. There will be movement in the U.N. The President's talk last night will do a great deal to assist in that regard.

The resolution before the Senate provides for the necessary authority. It pertains to support of diplomatic efforts of the President to strictly enforce the United Nations Security Council resolutions that have been in place for 10 years. That is all we are asking.

We support, in this resolution, action by the Security Council to ensure Iraq abandons its strategy for delay and invasion. The authorization is included. The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to defend the national security of the United States against the continuing threat posed by Iraq, and, number 2, enforce all relevant United Nations Security Council resolutions regarding Iraq. The President makes those determinations and reports to the Congress. He makes available to the Speaker of the House and the President pro tempore his determination that, number one, reliance by the United States on further diplomatic or peaceful means alone either will not adequately protect the national security or will not likely lead to the enforcement of those Security Council resolutions. It makes that determination, and, number 2, determines that acting pursuant to this resolution is consistent with the United States and other countries continuing to take necessary actions against international terrorists, terrorist organizations, including the nations, organizations, and persons planning and authorized to commit or aiding terrorists in the attacks that occurred on September 11.

It is pretty clear what needs to be done. It is appropriate to discuss this. We have discussed it sufficiently. I hope in the next day or two we can complete action. We need a little less talk and more action. The time has come to do that. It is our challenge. It is our responsibility. I hope we can do it in the next several days.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

#### UNANIMOUS CONSENT REQUEST— S. 724

Mr. BINGAMAN. Mr. President, today, once again, I will rise for the purpose of asking unanimous consent to take up and pass S. 724. I will withhold doing that until Senator NICKLES is able to come to the floor. I understand he wishes to address the issue.